

LAW OFFICES **DOCKET FILE COPY ORIGINAL**
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036-4104

BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE
JULIE A. BARRIE
• SENIOR COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915

April 8, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

HAND DELIVERED

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.,
Washington, D.C. 20554


Re: CC Docket No. 95-116, CCB/CPD No. 99-9

Dear Ms. Salas:

Transmitted herewith, on behalf of TDS Telecommunications Corporation, are an original and 4 copies of its comments in support of the Petition for Expedited Interim Waiver filed on March 19, 1999 by the National Exchange Carrier Association, the National Rural Telecom Association, the National Telephone Cooperative Association and the Organization for the Promotion and Advancement of Small Telecommunications Companies (the Associations), in the above-referenced proceeding.

In the event of any questions concerning this matter, please communicate with this office.

Very Truly Yours,


Margot Smiley Humphrey

Enclosure

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Joint Petition of the National Exchange)	
Carrier Association, Inc. (NECA),)	
National Rural Telecom Association)	
(NRTA), National Telephone Cooperative)	CC Docket No. 95-116
Association (NTCA), Organization for)	CCB/CPD No. 99-9
the Promotion and Advancement of Small)	
Telecommunications Companies)	
(OPASTCO), and United States Telephone)	
Association (USTA) for Expedited Interim)	
Waiver of Section 52.33(a) of the)	
Commission's Rules)	
)	
TO: The Common Carrier Bureau)	

COMMENTS OF TDS TELECOMMUNICATIONS CORPORATION

TDS Telecommunications Corporation (TDS Telecom), by its attorneys and on behalf of its 105 incumbent local exchange carriers (ILECs), submits these comments in support of the Petition for Expedited Interim Waiver filed on March 19, 1999 by the National Exchange Carrier Association, the National Rural Telecom Association, the National Telephone Cooperative Association and the Organization for the Promotion and Advancement of Small Telecommunications Companies (the Associations). The Associations request interim waiver of Section 52.33(a) of the Commission's Rules to the extent that the rule can be read to prevent ILECs that are not yet obligated to provide local number portability (LNP) in specific serving areas from direct interstate assignment and recovery in traffic sensitive interstate access charges

of their carrier specific costs for providing LNP for customers in other carriers' serving areas until they become obligated to provide LNP for customers in their own serving areas.

TDS Telecom believes that the requested waiver is necessary to remedy an oversight in the LNP cost recovery rules. Pursuant to the rules and policies the Commission adopted to provide for LNP cost recovery,¹ all ILECs are required to contribute to the cost of regional Number Portability Administration Centers and to incur query service charges where they are the "N-1" carrier for calls placed to a neighboring ILEC that provides LNP to its customers. However, the Commission decided that, until customers are able to change local service providers without changing their local telephone numbers, they should not have to pay the new LNP end user charge that it allowed ILECs providing LNP to their customers to use to recover their costs. The Commission also expressly held that LNP costs are within its interstate jurisdiction,² precluding intrastate recovery, but failed to provide for interim interstate recovery of these costs incurred by ILECs such as the TDS Telecom ILECs, whose customers cannot yet receive LNP.

The affected ILECs are already incurring obligations to contribute to the regional centers' costs and query service charges where neighboring ILECs with which they have joint calling agreements are providing LNP, although they have not yet even been told exactly what charges and costs they are incurring. As the Associations explain in their request, an expedited interim waiver is necessary to allow appropriate interstate recovery of these costs in traffic sensitive interstate access charges until the Commission provides for a specific interstate cost recovery

¹ Telephone Number Portability, CC Docket No. 95-116, Third Report and Order, 13 FCC Rcd 11701 (1998) (LNP Cost Recovery Order).

² LNP Cost Recovery Order at ¶29.

method for LNP costs incurred before a carrier becomes subject to a requirement for LNP implementation for customers in its service area. This interim cost recovery mechanism will not put any carriers at a competitive disadvantage, but will simply rectify an oversight that unfairly burdens the very ILECs that phased-in LNP implementation for areas outside the Top 100 Markets was intended to spare from early implementation burdens.

Therefore, TDS Telecom strongly supports the Associations' waiver request and urges the Commission to grant it in time for the next National Exchange Carrier Association traffic sensitive tariff filing.

Respectfully submitted,

TDS TELECOMMUNICATIONS CORPORATION

By: 
Margot Smiley Humphrey
Margot Smiley Humphrey

KOTEEN & NAFTALIN, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036
(202) 467-5700
margot.humphrey@koteen.com

April 8, 1999

CERTIFICATE OF SERVICE

I, Victoria C. Kim, of Koteen & Naftalin, hereby certify that true copies of the foregoing Comments of TDS Telecomm in support of the Petition for Expedited Interim Waiver, CC Docket No. 95-116, CCB/CPD No. 99-9 have been served on the parties listed below, via first class mail, postage prepaid on the 8th day of April 1999.

* Magalie Roman Salas (one original, four copies)

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

*Chief

Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W.,
Room 5-A225
Washington, D.C. 20554

*International Transcription Services, Inc. (ITS)

1231 20th Street, N.W.
Washington, D.C. 20036

Richard A. Askoff

Reginal McNeil

National Exchange Carrier Association, Inc. (NECA)
100 South Jefferson Road
Whippany, NJ 07981

* denotes hand delivery



Victoria C. Kim